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CITY CLERK

## SEATTLE COMMUNITY COUNCIL FEDERATION

August 25, 2009

To: City Clerk and  
To: Seattle City Council

**APPEAL BY THE SEATTLE COMMUNITY COUNCIL FEDERATION OF  
ALTERNATIVE CONDITIONS OF THE HEARING EXAMINER FOR THE CITY OF  
SEATTLE IN THE MATTER OF THE APPLICATION OF SEATTLE CHILDREN'S  
HOSPITAL FOR APPROVAL OF A MAJOR INSTITUTION MASTER PLAN CF  
308884**

The Seattle Community Council Federation supports the Hearing Examiner's recommendation that, based on the specific record before her, the Children's Hospital Major Institution Master Plan (MIMP) application should be denied. The Federation is nevertheless submitting this appeal because the Examiner's decision goes on to list suggested conditions in the event that the Council does not accept the Examiner's denial recommendation. Two areas addressed in these conditions, described below, are a matter of great concern to the Federation and have prompted this appeal.

As background, the Seattle Community Council Federation is a coalition of community groups throughout the City of Seattle that meets monthly. Our member councils and community clubs and the residents they represent – including those who do not live in Laurelhurst - will be directly affected by the Council's decision in this matter. For example, there is virtually no one in the City who does not experience at one time or another the Montlake Boulevard gridlock.

Therefore, as part of the major institutions process for Children's proposed expansion, the Federation submitted environmental scoping comments, comments on the draft Environmental Impact Statement and comments to the CAC on the final Environmental Impact Statement. Most recently, the Federation spoke and submitted comments at the March and July public hearings.

A copy of our July 14, 2009 comments is attached to this appeal. These comments addressed several issues. Children's "stunning" (to use the Examiner's adjective) building height demands were prominent among the issues we addressed. We also focused on Children's proposal to not only expand its campus to include and demolish an entire condominium complex (Laurelon Terrace) on its side of Sand Point Way, but to also expand the campus to include another two acres of L3

property on the other side of that arterial. Here is what we said on these two issues:

Master plan approval should be conditioned on heights no greater than 105 feet: The maximum height allowed for major institutions in similar low density areas is 105 feet. This should be the limit. To allow a greater height would set a precedent for the many other communities in our city with major institutions seeking to maintain the character of their neighborhoods—a goal of the Major Institutions Code. Six other major institutions located in similarly situated low density areas outside of urban villages would be at risk should you approve the height limits set forth in the proposed master plan. The 140 feet proposed, which would actually be 160 feet as that is the category in the Code, far exceeds any height level ever approved by the City Council for a low density area.

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Major institution boundaries should not be expanded to cross Sand Point Way: Aside from the square footage expansion sought by Children's, another component of the plan has a great potential for negatively impacting the affected communities—that *is* expansion of institutional boundaries across Sand Point Way. Leap-frogging over Sand Point Way to expand institutional boundaries to include the Hartmann property is particularly egregious in that this boundary expansion is in clear violation of the Code's rezone criteria. One of these criteria requires that the institution boundaries must be for contiguous areas.

The impacts of expanding the institutional boundaries to cross over other development and a major thoroughfare that is already highly congested should be rejected outright. It will result in institutional sprawl and adversely affect the viability and livability of the surrounding communities.

It should be remembered that the CAC originally rejected this boundary expansion. It wasn't until new members allied with Children's were added to the CAC and the increasing pressure from Children's that the CAC position changed. It should also be noted that six CAC members signed a minority report recommending that the major institution boundaries not be expanded across Sand Point Way to include the Hartmann property.

The “stunning” aspects of Children's MIMP rightfully compelled the Examiner's denial recommendation. Frankly, they scare many neighborhoods because they reflect, literally, a disregard for the balancing and boundaries that all neighborhoods rely on for protection in the case of major institution developments. If Laurelhurst, which is not an urban center, an urban village, or otherwise slated for intensive development can be subjected to such a plan, then the balancing protections we have been promised in the Major Institutions Code do not really exist. All that it takes to eliminate

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them is an institution willing to play chicken with the Council.

Again, we strongly support the Examiner's recommendation of denial of Children's overall Master Plan proposal and that recommendation is not the subject of this appeal. The Federation is filing this appeal to ask that, if the Council does not support the denial, it modify the "just-in-case" conditions included by the Examiner. In particular, even if the Council otherwise adopts Children's Master Plan, it should ensure that the conditions of approval do not allow inclusion of the Hartman site across Sand Point Way in the Children's campus and do not allow any change in the current and planned future residential zoning for that site. Second, any approval should be conditioned on the less extreme heights advocated by the Laurelhurst Community Club throughout the process: for example, by replacing Children's proposed MIO 160 height district with MIO 105.

These conditions would necessarily result in reduced total development square footage than the 2.4 million square feet demanded by Children's MIMP. This should be acknowledged as well in any Council decision that does not accept the Examiner's denial recommendation.

For more detailed explanations and furtherance of our appeal on these key points, we defer to and adopt the submissions of the Laurelhurst Community Club.

The Federation requests that it be given notices as a party to the Council process as it moves forward.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Barrett", with a stylized flourish at the end.

Rick Barrett, Vice President  
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ENC: Seattle Community Council Federation Statement of July 14, 2009



## SEATTLE COMMUNITY COUNCIL FEDERATION

City of Seattle Hearing Examiner  
Seattle Children's Hospital Proposed Master Plan  
July 14, 2009

My name is Rick Barrett and I am the Vice President of the Seattle Community Council Federation, a coalition of community groups throughout the City of Seattle that meets monthly. As part of the major institutions process for Children's proposed expansion, the Federation submitted environmental scoping comments, comments on the draft Environmental Impact Statement and comments to the CAC on the final Environmental Impact Statement. Most recently, the Federation spoke and submitted comments at the March hearing before the Hearing Examiner.

Before addressing issues with the Seattle Children's proposed master plan, the Federation would like to express its concern that DPD disregarded local and state environmental laws in preparing a Revised Final Environmental Impact Statement (EIS), instead of preparing the required Draft and Final Supplemental EISs. In doing so, the Department of Planning and Development (DPD) eliminated the opportunity for citizens to comment on the draft document and the *requirement* for a public hearing. This would have allowed DPD to incorporate concerns of citizens into the final supplemental EIS. State and local SEPA laws do not even recognize a "revised" final EIS as an option for the environmental review process. Seattle Children's likely participated in the internal process for preparation of what DPD submitted, but interested and affected citizens and communities were excluded.

Nor did the Department of Neighborhoods (DON) convene the Citizens Advisory Committee (CAC) to review and comment on the revised final EIS or the revised DPD master plan recommendations. The City's Major Institutions Code provides an important role for the CAC in commenting on environmental documents and DPD reports, yet DON ignored the mandates of the Code.

These are just two of the many flaws in this master planning process. Other flaws include the fact that DON did not comply with the Code in establishing the composition of the CAC. The CAC basically heard only one side of the story in the proposed expansion plan because there was little, if any, opportunity for presentations from independent consultants on the issues. Children's didn't provide "reasonable alternatives" for expansion in its proposed master plan as required by SEPA—all options were similar and called for the addition of 1.5 million square feet—in other words, tripling the size of the current institution. Children's has consistently avoided, rather than acknowledged the important land use issues, including the inconsistency of the proposal with the City's Growth Management Act Comprehensive Plan.

Public Comment City of Seattle Hearing Examiner  
**EXHIBIT**  
Appellant \_\_\_\_\_  
Respondent \_\_\_\_\_ ADMITTED \_\_\_\_\_  
Department \_\_\_\_\_ DENIED \_\_\_\_\_  
**FILE: R - CF #308884/MUP-09-015(W)**

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Aside from the procedural flaws in the process, there are many issues that the Federation hopes that the Hearing Examiner will address in making recommendations to the City Council. The decisions made on the Seattle Children's master plan will set a precedent for all other major institutions in low density areas. The Federation urges you to make the following changes to the proposed master plan and to impose conditions to address the following issues.

The master plan should only be approved on the condition that square footage is substantially reduced: Children's is requesting 1.5 million square feet of new development—the equivalent of Bellevue Square. It is more square footage or construction than all of the current structures the entire distance of the Ave (including the University Bookstore) between NE Campus Parkway and NE 50<sup>th</sup> Street. Expansion of this magnitude is contrary to the policies of the Comprehensive Plan. Two of these policies state:

UV7 "In order to support the existing character of areas outside of urban villages, and to encourage continued investment in all of Seattle's neighborhoods, permit areas outside of urban villages to accommodate *some growth in a less dense development pattern* consisting primarily of single-family neighborhoods and limited multifamily, commercial, and industrial uses."

UVG32 "Plan for urban centers to receive the most substantial share of Seattle's growth consistent with their role in shaping the regional growth pattern."

DPD acknowledges the inconsistency of the proposed master plan with the City's Comp Plan. According to the Comp Plan, the greatest share of future development and density should be located in urban centers or urban villages, not single-family, low density areas such as where Children's is located. Children's should not be exempt from adhering to the policies of the Comprehensive Plan. Just because Children's serves a laudable mission does not and should not mean that it is above the law.

Square footage expansion should be conditioned on a Floor Area Ratio (FAR) no greater than 1.25. This is a FAR greater than the current .9 and higher than the FARs for other major institutions in similar settings outside of urban villages and urban centers. While retaining the existing .9 FAR is preferable, a FAR of 1.25 would allow substantial expansion for Children's to meet its needs—an expansion of approximately 700,000 square feet.

There is no compelling evidence to justify the addition of 1.5 million square feet to Children's campus in its low density setting. It would be impossible to mitigate the impacts of such a massive expansion. A reduction in square footage would ensure a greater likelihood of mitigation of the traffic and transportation impacts of the proposed expansion.

Master plan approval should be conditioned on heights no greater than 105 feet: The maximum height allowed for major institutions in similar low density areas is 105 feet. This should be the limit. To allow a greater height would set a precedent for the many other communities in our city with major institutions seeking to maintain the character of their neighborhoods—a goal of the Major Institutions Code. Six other major institutions located in similarly situated low density areas outside of urban villages would be at risk should you approve the height limits set forth in the proposed master plan. The 140 feet proposed, which would actually be 160 feet as that is the category in the Code, far exceeds any height level ever approved by the City Council for a low density area.

Limits on new beds should be added as a condition to master plan approval: It is not sufficient to leave the bed need issue in the hands of the State Board of Health in its Certificate of Need process. This is because the zoning would have already been approved. If the State Board of Health does not authorize the addition of 350 new beds and with the zoning expansion approved, it is likely that Children's would seek to use the added zoning capacity for uses other than patient care. Children's could do this through the master plan amendment process.

At minimum, a condition should be placed on each phase of development requiring state approval prior to approval of any MUP application. A condition should also be added requiring that all expansion be directly related to patient care.

It should be noted that successful and well-respected hospitals in the country have substantially less beds than what Children's has proposed. For example, the Mayo Clinic (St. Mary's Hospital) in Rochester, Minnesota has 58.2 beds. The UCLA Medical Center in Los Angeles has 85.8 beds. And, Johns Hopkins Hospital in Baltimore has 78.2 beds. As stated in a June 29, 2009 article in *Time* magazine, "The Mayo Clinic attracts Kings and Presidents, injured athletes and ailing billionaires." The hospital costs at this facility are substantially less than other hospitals. So, what is the reason? As the *Time* article states: "What makes Mayo different? It's clearly avoided the oversupply trap..." With conditions imposed on Children's master plan as recommended by the Federation, Children's can also avoid the "oversupply trap."

Major institution boundaries should not be expanded to cross Sand Point Way: Aside from the square footage expansion sought by Children's, another component of the plan has a great potential for negatively impacting the affected communities—that is expansion of institutional boundaries across Sand Point Way. Leap-frogging over Sand Point Way to expand institutional boundaries to include the Hartmann property is particularly egregious in that this boundary expansion is in clear violation of the Code's rezone criteria. One of these criteria requires that the institution boundaries must be for contiguous areas.

The impacts of expanding the institutional boundaries to cross over other development and a major thoroughfare that is already highly congested, should be rejected outright. It will result in institutional sprawl and adversely affect the viability and livability of the surrounding communities.

It should be remembered that the CAC originally rejected this boundary expansion. It wasn't until new members allied with Children's were added to the CAC and the increasing pressure from Children's that the CAC position changed. It should also be noted that six CAC members signed a minority report recommending that the major institution boundaries not be expanded across Sand Point Way to include the Hartmann property.

Conditions should be imposed to ensure that access to the hospital is limited to Sand Point Way. Residential, low density communities should not be threatened by high volumes of institutional traffic directed onto residential streets. Children's plans to create major entrances to its campus on 40<sup>th</sup> Avenue NE. This should not be allowed. No access to the hospital from this street should be imposed as a condition for master plan approval.

Fortieth Avenue NE is a narrow residential street that is well-travelled by local residents. The crossover of Sand Point Way on 40<sup>th</sup> Avenue NE is already a dangerous intersection that has had fatalities. There would especially be impacts on the Laurelcreech condominiums and the emergency response time to Laurelhurst from Fire Station 38. This stretch of roadway cannot handle a higher volume of traffic. There should only be access to the hospital from Sand Point Way.

Conditions should also ensure that planned access to the hospital on NE 50<sup>th</sup> Street and NE 45<sup>th</sup> Street for grounds maintenance vehicles and public utility access are strictly limited to these purposes. A minor amendment to the master plan down the line could open up these access points to patients and staff to the detriment of neighborhood pedestrians and bicyclists in an already congested area. This is conceivable as Children's originally planned general access at these locations. Approval of the master plan should impose a condition stating that it would be a major, rather than minor, amendment to the master plan to consider opening up those access points.

Additional conditions in the master plan are required to ensure that Children's provides the required comparable housing for demolition of Laurelon Terrace. Demolition of Laurelon Terrace will result in the loss of 21 percent of the moderate income housing in the area. This moderate income housing must be replaced with comparable housing according to the Code. Requiring a formal agreement with few specifics and a mere \$5 million contribution from Children's for loss of 136 moderate income garden condominiums as proposed by DPD is not sufficient to comply with the Code. Replacement housing should be constructed prior to

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demolition of Laurelon and this should be a condition for master plan approval. Other conditions should specify location in the same vicinity and units comparable in size and affordability as those that would be lost.

Thank you for considering the comments of the Seattle Community Council Federation.

A handwritten signature in black ink, appearing to read "Rick Barrett". The signature is stylized with a large, looped "R" and a cursive "Barrett".

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